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**APR 30 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Vlado Ostovic :  
Application No. 09/517,256 : ON PETITION  
Filed: March 2, 2000 :  
Attorney Docket No. 800448 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application became abandoned for failure to timely pay the issue fee on or before December 4, 2003. Accordingly, this application became abandoned on December 5, 2003. A Notice of Abandonment was mailed on February 10, 2004.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed.
- In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any

outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (2) above.

The required petition fee has not been submitted, nor has an authorization to charge the petition fee to a deposit account been provided. As such, the petition must be dismissed.


Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
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By FAX:           (703) 872-9306  
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By hand:           Customer Service Window  
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                  Crystal Plaza Two (left side entrance of building)  
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Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

  
Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office